

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

A.F. OF L. – A.G.C. BUILDING TRADES
WELFARE PLAN, on behalf of itself and all
others similarly situated,

Plaintiff,

v.

Civil Action No. 2:16-cv-05056

TEVA PHARMACEUTICALS USA, INC.,
MYLAN, INC., GLENMARK
PHARMACEUTICALS INC., USA, and
APOTEX INC.,

Defendants.

UFCW LOCAL 1500 WELFARE FUND, on
behalf of itself and all others similarly
situated,

Plaintiff,

v.

Civil Action No. 2:16-cv-06057

ACTAVIS HOLDCO U.S., INC., APOTEX
CORP., DR. REDDY'S LABORATORIES,
INC., GLENMARK PHARMACEUTICALS
INC., USA, LUPIN PHARMACEUTICALS,
INC., MYLAN INC., MYLAN
PHARMACEUTICALS INC., TEVA
PHARMACEUTICALS USA, INC., and
ZYDUS PHARMACEUTICALS (USA)
INC.

Defendants.

**STIPULATION REGARDING SERVICE, PROPOSED CONSOLIDATION, TIME TO
ANSWER, MOVE, OR OTHERWISE RESPOND, AND OTHER PRELIMINARY
MATTERS**

WHEREAS, on September 21, 2016, Plaintiff A.F. of L. – A.G.C. Building Trades Welfare Plan filed the first putative class action complaint in this District (Case No. 2:16-cv-05056) against certain defendants alleging a conspiracy to fix the prices of the generic drug pravastatin (the “A.F. of L. Action”).

WHEREAS, on November 2, 2016, the Court entered an Order extending deadlines for responses to the A.F. of L. Complaint and setting forth the following briefing schedule for motions to dismiss:

1. The deadline for all Defendants to answer or otherwise respond to the Complaint is hereby set as Friday, December 2, 2016.
2. The deadline for Plaintiff to file its opposition, if any, to Defendants’ responses is hereby set as Friday, January 20, 2017.
3. The deadline for Defendants to file reply briefs, if any, to Plaintiff’s opposition is hereby set as Friday, February 17, 2017.

WHEREAS, on November 17, 2016, Plaintiff UFCW Local 1500 Welfare Fund filed a similar putative class action complaint in this District (Case No. 2:16-cv-06057) (the “UFCW Local 1500 Action”), which it related to the A.F. of L. Action.

WHEREAS, the A.F. of L. Action and the UFCW Local 1500 Action are collectively referred to as the “Pending Pravastatin Actions.”

WHEREAS, the Parties in the Pending Pravastatin Actions agree that judicial efficiency is best served by consolidating Plaintiffs’ actions—and any substantially similar actions alleging price fixing with respect to pravastatin—to the extent practicable.

WHEREAS, Plaintiffs in the Pending Pravastatin Actions intend to file a Consolidated Class Action Complaint.

WHEREAS, the Parties agree that the time to answer or otherwise respond to any forthcoming Consolidated Class Action Complaint will require a new schedule superseding the one set forth in the Court's November 2 Order.

NOW, THEREFORE, pursuant to Local Rule 7.4, the parties hereby stipulate, and the Court orders, as follows:

1. The undersigned counsel agree on behalf of their respective clients who are Defendants to the Pending Pravastatin Actions and are parties to this Stipulation ("Signatory Defendants") to accept service of the Consolidated Amended Complaint and the Summons and Complaints in each of the individual cases comprising the Pending Pravastatin Actions or, for Complaints already served, stipulate that service of process was proper under Rule 4 of the Federal Rules of Civil Procedure.¹ Except as to service of process, Signatory Defendants expressly reserve the right to challenge the Complaints and any Consolidated Class Action Complaint, on any and all grounds, including personal jurisdiction.

2. Subject to the Court's approval, the individual actions comprising the Pending Pravastatin Actions are consolidated under the docket number 2:16-cv-05056 and captioned as "In re Pravastatin Antitrust Litigation." Any additional complaints filed in this district containing substantially similar allegations of price fixing with respect to pravastatin as those in the Pending Pravastatin Actions that are marked as related to the Pending Pravastatin Actions and accepted by the Court as such (each, a "Subsequent Action") shall also be consolidated with these cases

¹ Dr. Reddy's Laboratories, Inc., Lupin Pharmaceuticals, Inc., and Zydus Pharmaceuticals (USA) Inc., which were named as defendants in the UFCW Local 1500 Action, have not yet appeared and are not parties to this Stipulation.

comprising the Pending Pravastatin Actions. Plaintiffs in the Pending Pravastatin Actions shall serve written notice of such consolidation on the plaintiff(s) in the Subsequent Action and on any defendant in such Action. If any party objects to such consolidation, that party shall have 10 days from the date that notice is served to file a motion setting forth the basis for its objection.

3. Signatory Defendants shall have no obligation to answer, move, or otherwise respond to any complaint filed in the Pending Pravastatin Actions or any case that is consolidated with the Pending Pravastatin Actions, other than the Consolidated Class Action Complaint referenced below and any amendment thereto that the Court may grant leave to file.

4. The following schedule shall apply to the Pending Pravastatin Actions and any case that is consolidated with the Pending Pravastatin Actions:

a. **Filing the Consolidated Class Action Complaint:** Plaintiffs shall file their Consolidated Class Action Complaint within 45 days after this Order is entered by the Court.

b. **Responding to the Consolidated Class Action Complaint:** Signatory Defendants shall answer, move, or otherwise respond to the Consolidated Class Action Complaint within 45 days of service of such Complaint. Plaintiffs shall have 45 days from the filing of any motion(s) to dismiss to file any memorandum in opposition to such motion(s). Replies shall be filed 30 days after filing of any memorandum in opposition. If a filing deadline falls on a weekend or federal holiday, the memorandum shall be filed on the first business day following such weekend or holiday.

5. Prior to the filing of any motion to dismiss by Signatory Defendants, the Parties shall meet and confer regarding appropriate page limitations for memoranda in support of and in opposition to such motion(s), and for any replies, and submit to the Court a proposed order and stipulation regarding page limitations. If the Parties cannot agree on page limitations, a proposed

order identifying the differing proposals and a brief explanation by Plaintiffs and Signatory Defendants, as a group, of the reasons therefor. Signatory Defendants will make good faith efforts to coordinate and consolidate common legal arguments, but reserve the right to file individual briefs to allow for Signatory Defendant specific arguments.

6. Signatory Defendants reserve the right to file a motion to sever parties, claims, or allegations in response to the Consolidated Class Action Complaint or at any time during the litigation.

IT IS SO STIPULATED AND ORDERED.

Dated: December 12, 2016

By: /s/ Deborah R. Gross
KAUFMAN, COREN & RESS, P.C.
Two Commerce Square, Suite 3900
2001 Market Street
Philadelphia, PA 19103
Telephone: 215-735-8700
Fax: 215-735-5170
dgross@kcr-law.com

Michael M. Buchman
MOTLEY RICE LLC
600 Third Avenue, Suite 2101
New York, NY 10016
Telephone: 212-577-0040
Fax: 212-577-0054
mbuchman@motleyrice.com

*Attorneys for Plaintiff A.F. of L. - A.G.C.
Building Trades Welfare Plan*

By: /s/ Roberta D. Liebenberg
Paul Costa
Adam J. Pessin
FINE, KAPLAN AND BLACK, R.P.C.
One South Broad Street, Suite 2300
Philadelphia, PA 19107
Tel: (215) 567-6565
Fax: (215) 568-5872
rliebenberg@finekaplan.com
pcosta@finekaplan.com
apessin@finekaplan.com

Gregory S. Asciolla
Jay L. Himes
Karin E. Garvey
Robin Van der Meulen
LABATON SUCHAROW LLP
140 Broadway
New York, NY 10005
Telephone: (212) 907-0700
gasciolla@labaton.com
jhimes@labaton.com
kgarvey@labaton.com
rvandermeulen@labaton.com

*Attorneys for Plaintiff UFCW Local 1500
Welfare Fund*

/s/ Terry M. Henry

Terry M. Henry

THenry@blankrome.com

Melanie S. Carter

MCarter@BlankRome.com

Blank Rome LLP

One Logan Square 130 North 18th Street

Philadelphia, PA 19103-6998

Phone: 215.569.5500

Fax: 215.569.5555

Of counsel:

James W. Matthews MA Bar No. 50560

jmatthews@foley.com

Katy E. Koski MA Bar No. 650613

kkoski@foley.com

Joseph H. Jolly MA Bar No. 676287

jffoley@foley.com

FOLEY & LARDNER LLP

111 Huntington Avenue

Boston, Massachusetts 02199

Phone: 617.342.4000

Fax: 617.342.4001

Attorneys for Defendant Apotex Corp.

/s/ Steven A. Reed

Steven A. Reed

steven.reed@morganlewis.com

R. Brendan Fee

Brendan.fee@morganlewis.com

MORGAN, LEWIS & BOCKIUS LLP

1701 Market Street

Philadelphia, PA 19103

Phone: 215.963.5000

Fax: 215.963.5001

*Attorneys for Defendant Glenmark
Pharmaceuticals Inc., USA*

/s/ Chul Pak

Chul Pak

cpak@wsgr.com

Jeffrey C. Bank

jbank@wsgr.com

(pro hac vice applications pending)

Wilson Sonsini Goodrich & Rosati, P.C.
1301 Avenue of the Americas, 40th Floor
New York, New York 10019-6022
Phone: 212.999.5800
Fax: 212.999.5899

Attorneys for Defendant Mylan, Inc.

/s/ Jan P. Levine

Jan P. Levine

levinej@pepperlaw.com

Robin P. Summer

sumnerr@pepperlaw.com

Michael J. Hartman

hartmanm@pepperlaw.com

Pepper Hamilton LLP

3000 Two Logan Square

Eighteenth & Arch Streets

Philadelphia, PA 19103-2799

Telephone: (215) 981-4000

Fax: (215) 981-4750

*Attorneys for Defendant Teva
Pharmaceuticals USA, Inc.
and
Actavis Holdco U.S., Inc.*

Date: 12/19/16

APPROVED BY THE COURT:

TH O'Neill

The Honorable Thomas N. O'Neill, Jr